

E. STANDARDS AND CONDITIONS

All mountain home developments shall conform to the following standards and conditions.

1. Design

- a. The plans shall be prepared by a design team consisting of an architect, a landscape architect, a civil engineer or land surveyor, and an attorney, all of whom shall be licensed to practice in the State of Utah. The County Commission may waive the requirement for participation of one or more members of said design team where, in its opinion, the nature of the development does not require the services of said member(s).
- b. There shall be architectural unity and harmony within the development and with the surrounding area.
- c. All dwellings shall be located in development clusters, and the development clusters shall be situated on land which is appropriately suited for housing development; the clustering and spacing of the dwelling units and other structures shall foster adequate fire protection and a restful and uncrowded environment.
- d. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the convenience of access, the preservation of bodies of water, the topography, and other significant features shall guide the design of the development.

2. Landscape Plan

- a. All areas not covered by buildings or off-street parking or driveways shall be maintained in indigenous vegetation, or where the native vegetation is removed, shall be landscaped and maintained according to good landscape and fire protection practices. The plan shall specify the general types of plants and architectural features to be used. One inch or more of topsoil shall be placed on all exposed slopes. Wire mesh, burlap, or other material shall be used whenever necessary, as determined by the Zoning Administrator, to stabilize the soil and allow plants to grow.
- b. The installation of permanent sprinkler or other irrigation systems may be required in order to provide irrigation for planted areas.
- c. A fuel break having a minimum width of at least one hundred feet shall be maintained around development clusters. The fuel break shall be accomplished by thinning the native vegetation, removing the dead plant material, and the highly flammable vegetation with irrigated areas and fire resistant plants.

3. Open Space, Parks, Playgrounds, and Facilities

- a. At least twenty-five (25) percent of the area in the development shall be designated as natural open space for the common use of the occupants of the development.

The land covered by streets and off-street parking facilities, and the lot or yard area of individual dwellings sites, shall be reserved in addition to the 25 percent amount set aside as natural open space.

b. As assurance that the designated area will remain as open space, the owner shall execute an open space preservation agreement with the county, in which the owner agrees for himself and his successors and assigns to refrain from constructing dwellings or other structures on the designated open space areas throughout the life of the development.

c. All flood plain areas and floodways, if any, shall be included as part of the common open space.

d. Construction of all common areas and facilities shall be provided by the developers and shall be maintained by the property owners's association.

4. Size

The minimum acreage required to qualify for a mountain home development shall be twenty (20) acres.

5. Density

a. Number of Units Permitted.

The maximum number of dwellings units permitted within a mountain home development shall be determined by the slope of the land within the development according to the following schedule:

- i. One dwelling per acre having a slope of ten (10) percent or less.
- ii. One dwelling per ten (10) acres having a slope of more than ten (10) percent but less than thirty (30) percent.
- iii. One dwelling per twenty (20) acres having a slope of more than thirty (30) percent.

The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed contour maps may be used when approved by the Planning Director.

b. Development Credits Increased.

The number of dwelling units permitted within a mountain home development may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

i. The land from which the development credits are transferred:

- (A)Is situated entirely within the CE-1 Critical Environmental Zone;
- (B)Is located contiguous to the mountain home development or within two miles of land included within the boundary of the development;
- (C)Is in the same ownership as the development; and
- (D)Will be shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement.

ii. The number of residential development credits received shall be at the rate of one dwelling unit per each full fifty (50) acres of land in the CE-1 zone covered by the transfer of development credits agreement.

iii. There is sufficient developable area within the development to accommodate the increased number of dwelling units and meet the common open space requirement.

iv. Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by agreement made on the part of the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assigns) and the County Commission, shall be recorded in the office of the County Recorder, and shall remain in effect until it has been revoked by action of the County Commission following a public hearing thereon.

c. Development Clusters.

All dwelling units shall be located within a development cluster. Each cluster shall contain not less than five (5) separate building lots or sites (except for mountain home developments having fewer than five (5) building sites or lots for the entire development), and each cluster shall be so designed to provide that each building site within the cluster shall contain a location for a one-family dwelling which meets the standards of this ordinance. No dwelling unit shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis if sewage or sepsis waste is disposed of in the soil.

d. Density and Building Lot Size within Clusters.

Individual building lots within the cluster should not be less than ten thousand (10,000) square feet nor more than one (1) acre in size.

e. Spacing of Clusters.

No one-family dwelling within a cluster shall be located closer than 200 feet to a dwelling within another cluster. Individual clusters shall be surrounded by a fuel break which shall be part of the designated open space.

6. Paved Road Access

All mountain home developments shall abut on and shall have access to a hard-surfaced public street that is part of the paved county or state road network. however a mountain home development which is an extension of a previously approved mountain home development, seasonal homes development, or planned dwelling group plat which has a hard-surfaced road system may obtain paved road access through said prior plat.

7. Street System

a. All public streets shall conform to the official street standards for public streets as adopted by Utah County.

b. The road system of the development shall conform to the officially approved county standards for mountain home developments with respect to width, alignment, grades, length of cul-de-sacs, size of turnarounds, and other features of design.

c. In the event that land within the proposed development is traversed by a proposed street that is shown on the county master street plan, the circulation system within the mountain home development shall be constructed in accordance with the county master street plan, and the right of-way dedicated to the public.

d. No vehicular road shall have a grade of more than eight (8) percent.

Exception: A grade of twelve (12) percent may be approved, upon recommendation of the County Surveyor, when the County Commission finds all of the following criteria are met:

i. The grade is necessary to eliminate extra cuts, fills, or circuitous routes.

ii. No section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length.

iii. The total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development.

iv. Police, fire, ambulance, snow removal, and other essential services can be provided at an equal level of quality.

v. No section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.

e. No street or roadway shall be constructed in a location or in such a manner which produces a slope face which exceeds the critical angle of repose, provided that the County Commission may approve a roadway producing such a slope face where it finds:

i. A roadway is necessary to the development, and the proposed road follows the most appropriate alignment

ii. The roadway and slope will not produce an undue hazard to the environment or adjacent properties.

iii. Practical measures, such as retaining walls and steel mesh, are engineered and installed to prevent the soil from moving from the force of ice, water, and gravity.

f. All vehicular roads shall have a paved driving surface which is at least a twenty-four (24) feet wide and which consists of a three (3) inch asphaltic surface over a six (6) inch crushed gravel base and suitable subbase; the paved driving surface shall be centered on a thirty-two (32) foot wide road easement.

g. All curves in mountain home developments shall centerline radius of forty-five (45) feet or more.

h. Each intersection shall bear permanent road signs sufficient in design for easy identification of street names by operators of emergency vehicles and other motorists.

i. The maximum length of any dead-end road or cul de-sac shall be six hundred (600) feet.

8. Sidewalks

Sidewalks shall not be required.

9. Drainage System Plan

The drainage system plan shall show the following:

- a. An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development. (Said analysis and plan may be waived by the County Surveyor when ample information already exists for the area.)
- b. An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the covering of absorption areas and a plan indicating how the drainage and flood waters will be accommodated.
- c. The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities.
- d. A method of handling all runoff on site when an existing storm water system is not available.
- e. A statement of acceptance of the drainage waters from the appropriate agencies where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises.
- f. A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

10. Water Supply

a. Water Rights

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

- i. Culinary-quality water for use inside the dwelling shall be provided to each parcel at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per dwelling unit. Where the quantity of at least .45 acre-feet per year is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.
- ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided to each parcel at the rate of at least 1 acre-foot per year per dwelling or building site, which water shall be available between April 30 to October 1 annually.
- iii. Water for irrigation shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot beyond the first 10,000 square feet of area, which quantity of water must be appurtenant to each lot, and must be available from April 30 to October 1 annually. [Water for the first

10,000 square feet of area of each lot is supplied by the requirements of subsections (1) and (2) immediately above]. The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot, if the irrigation water quantity requirement of at least 1.5 acre-feet of irrigation water per each acre of area of each lot (less the 10,000 square feet) is satisfied.

Exception to part ‘iii’ above: The County Commission may increase or decrease the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of an engineering study, prepared, and signed by an engineer licensed in the State of Utah, conducted in the preparation of the irrigation plan if the County Commission finds that less water is needed to establish and to meet the green plant needs of alfalfa due to a water table that is sufficiently near the surface on an annual growing season basis to allow such reduction. The engineering study shall determine the quantity of water needed to establish and to maintain alfalfa, in the green condition, having a low flammability, and shall identify the high water table by area and depth below natural grade.

b. Water Quality

i. Culinary water use inside the dwelling provided by a public water system. A public water system must be approved by the Utah County Health Department.

ii. Culinary water use inside the dwelling provided by individually owned wells for each lot. The Utah County Health Department shall sample a representative water source from within the proposed development boundaries as a requirement prior to County Commission approval. A minimum of at least one sampling shall be obtained per proposed large scale development; where a large scale development is for an area larger than 160 acres, the number of samples shall be one per 160 acres or fraction thereof.

The County Commission may require additional samples where it finds the geology or other on-site conditions warrant additional samples to determine the water quality is satisfactory throughout the entire area of the subdivision. A sampling consists of (a) two satisfactory microbiological samples taken on two consecutive days. Samples must be taken at least 8 hours apart; (b) inorganic contaminants, and (c) turbidity. Water testing costs shall be paid by the developer. To be acceptable as the source of culinary water, this sample shall meet primary drinking water standards as outlined above and be approved by the Utah County Health Department. Written approval must be obtained prior to placement on the County Commission agenda. The recorded plat shall contain a written condition that no building permit will be issued for a single family dwelling or other occupied structure until the individual water supply has been sampled and found to meet primary drinking water standard as outlined above by the Utah County Health Department.

c. Types and Duration of Rights

i. Reliable wells, springs, and surface sources, whether from a public water system or a private water supply, may be used to meet the water requirements.

ii. The water rights must be tied to each lot to be served in perpetuity, so that the lots and rights cannot be transferred separately, by protective covenant, enforceable plat restrictions, or other legally binding instrument.

iii. The developer must present an engineering study demonstrating that the standards of this ordinance

for water rights and water systems will be met.

iv. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

v. Where the water rights are to be supplied by a municipality or other entity which is prohibited from divesting itself of its water rights in perpetuity, a legal analysis shall be submitted showing how the commitment for perpetual commitment of water is binding.

11. Water System

a. All large scale developments having one or more lots or platted building sites under five (5) acres in area shall have a central water system which shall supply water for culinary use and which shall supply water meeting the supply and flow requirements for fire protection.

b. The water system shall have a storage facility which has a capacity to meet peak hourly culinary use, based on state health department standards, plus a minimum fire protection storage of 120,000 gallons. The storage capacity shall be proportionally increased if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development, or if irrigation water is to be stored in the culinary - fire protection storage facility.

c. The culinary - fire protection facility shall be designed and located so as to produce a gravity-induced fire flow of 1000 gallons per minute for a duration for at least two hours, in addition to simultaneous culinary or irrigation use. The delivery rate and duration amount shall be proportionally higher if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development.

d. Water mains in the culinary - fire protection system supplying fire hydrants, dwellings, and any irrigation needs, shall be sized according to an engineering study to adequately supply those uses, but in no case shall they be less than six (6) inches in diameter (no less than 8 inches in diameter if supplying a fire hydrant on a dead-end run longer than four hundred feet in length).

e. Irrigation systems need not have a central storage facility, but must be designed to provide the water flows determined by the irrigation plan to be necessary during the growing season (April 15 to October 15).

f. Irrigation systems are not required for more than one-quarter acre surrounding the dwelling, except in the RA-5, RR-5, and TR-5 Zones, where the entire lot is to be included in the irrigation plan.

12. Sewage Disposal

Each mountain home development shall be served by a central sewage disposal system or by individual wastewater disposal systems which are approved by the County Health Department. If sewage cannot be disposed of through an approved existing central sewage treatment plant or by individual wastewater disposal systems, a suitable system must be provided by the developer and approved by the County Health Department.

13. Fire Protection

- a. Fire hydrants shall be installed at intervals in such a manner that no lot or dwelling unit will be more than 250 feet distant from the closest hydrant, measured along the street.
- b. Roofs and exteriors of buildings shall be of fire resistant materials as approved by the County Building Official.
- c. In addition to maintaining the fuel break around the development clusters, all highly flammable weeds and plant material shall be removed and shall be kept removed from within 50 feet of all buildings. The flammable weeds and plant material shall be replaced with less flammable materials as directed by the Utah County fire marshal.
- d. The County Commission may require additional fire protection facilities or policies when recommended by the Utah County fire marshal to conform to adopted fire codes or standard fire protection policies.
- e. The property owners' association shall maintain the hydrants, fire equipment boxes, fuel breaks, and all other fire-fighting facilities in a functional condition.

14. Off-street Parking

- a. At least two off-street parking spaces shall be provided for each dwelling unit.
- b. Additional off-street parking spaces shall be required for other uses as set forth in the provision of this ordinance relating to off-street parking (See zoning section 3-14).

15. Utilities

- a. All new electric power lines shall be installed underground.
- b. Easements of not less than ten (10) feet in width shall be required for all utility lines, the location of which may vary depending upon the design of the development.
- c. No structure shall be placed within the designated easements except utility structures.

16. Location of Dwellings and Buildings

The location of all buildings and structures proposed to be constructed by the developer shall be shown on the detailed site plan.

Exception: The developer may elect to plat separate lots for the dwellings and sell such lots without constructing the dwellings thereon. In the latter case the setback distances shall be shown on the final plat and shall conform to the following standards:

- a. Front Setback.

All buildings shall be set back at least thirty (30) feet from the outside edge of any roadway of the development that serves two or more dwelling units and at least thirty (30) feet from the right-of-way

line of any public street (unless a greater setback is required by zoning section 3-16).

b. Side Setback.

All dwellings shall be set back from the side property line a distance of at least fourteen (14) feet. The minimum side setback for accessory buildings shall be the same as for main buildings. The side setback from any street shall be not less than thirty (30) feet for both main and accessory buildings (unless a greater setback is required by zoning section 3-16).

c. Rear Setback.

All dwellings and other buildings shall be set back from the rear property line a distance of at least fourteen (14) feet (unless a greater setback is required by zoning section 3-16).

17. Exposed Slopes on Individual Driveways

All cut or fill slopes made in the process of constructing driveways from the development roads to private dwellings shall be less than the critical angle of repose of the soil in which the cut or fill is made.